

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0554

House Bill No. 0590

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as, the "Indoor Clean Air For Children Act of 1995".

SECTION 2. It is the intention of the general assembly that this act reduce the extent to which children are exposed to environmental tobacco smoke in facilities where children's services are provided.

SECTION 3. As used in this act, unless the context otherwise requires:

(1) "Children" means individuals who have not attained the age of eighteen (18).

(2) "Community center" means any center operated by any city or county government which is used for children's activities.

(3) "Day-care center" means any place, operated by a person, society, agency, corporation, institution or religious organization, or any other group wherein are received thirteen (13) or more children for group care for less than twenty-four (24) hours per day without transfer of custody.

(4) "Designated smoking area" means an enclosed indoor area or an outdoor area in which smoking is permitted pursuant to this act. If indoors, such smoking area shall be clearly demarcated and physically separate from any area in which smoking is not permitted, and shall not include more than twenty-five percent (25%) of the area of the building. Such indoor smoking area shall be a fully enclosed area.

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0554

House Bill No. 0590

(5) "Group-care home" means a home operated by any person, society, agency, corporation, or institution or any group which receives seven (7) or more children for full-time care outside their own homes in facilities owned or rented and operated by the organization.

(6) "Museum" means those indoor museums and art galleries owned or operated by the State of Tennessee or any political subdivision of the State, and those museums, historical societies, and art galleries owned and operated by not-for-profit corporations.

(7) "Residential treatment facility" means a residential treatment facility licensed under Title 33, Chapter 2, Part 5.

(8) "School grounds" means all or such portion of a building or structure located within a public or private pre-school, nursery school, kindergarten, elementary or secondary school's legal boundaries that the governing body of such school designates as a "No Smoking" area and posts as such in accordance with SECTION 5 of this act. Such governing body may also designate as a "No Smoking" area any publicly owned or leased vehicle used to transport children to or from school or to or from any officially sanctioned or organized school event.

(9) "Smoking" means the burning of a lighted cigarette, cigar, pipe or any other substance containing tobacco.

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0554

House Bill No. 0590

(10) "Youth development center" means a center established under Title 41, Chapter 5, for the detention, treatment, rehabilitation and education of children found to be delinquent.

(11) "Zoo" means any indoor area open to the public for the purpose of viewing animals.

SECTION 4. Smoking shall not be permitted and no person shall smoke in the following places:

(a) Child day-care centers, provided, however, the prohibition of this section does not apply to such services provided in a private home. Smoking may be permitted in designated smoking areas to which children are not permitted unaccompanied by a child's parent, guardian or custodian;

(b) Any room or area in a community center while such room or area is being used for children's activities. When any room or area is being so used, smoking may be permitted in designated smoking areas to which children are not permitted unaccompanied by a child's parent, guardian or custodian;

(c) Group-care homes. Smoking may be permitted in adult staff residential quarters;

(d) Health care facilities, excluding nursing home facilities. Smoking may be permitted in designated smoking areas to which children are not permitted unaccompanied by a child's parent, guardian or custodian;

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0554

House Bill No. 0590

(e) Museums (except when used after normal operating hours for private functions unless otherwise prohibited by the museum). Smoking may be permitted in designated smoking areas to which children are not permitted unaccompanied by a child's parent, guardian or custodian;

(f) Residential treatment facilities for children and youth. Smoking may be permitted in designated smoking areas to which children are not permitted unaccompanied by a child's parent, guardian or custodian;

(g) Youth development centers and facilities. Smoking may be permitted in designated smoking areas to which children are not permitted unaccompanied by a child's parent, guardian or custodian;

(h) Zoos; and

(i) School grounds; provided, however, that smoking be permitted outdoors, any designated smoking area and in any adult staff residential quarters within a dormitory.

SECTION 5.

(a) "No Smoking" signs, or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be prominently posted and properly maintained on each main building entrance where smoking is regulated by this act. Such "No Smoking" signs, or "No

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 0554

House Bill No. 0590

Smoking" symbols shall be prominently displayed throughout the building to ensure that the public is aware of the restriction.

SECTION 6. It shall be the responsibility of the person in charge of an area designated as a "No Smoking" area by the provisions of this act to enforce this act by requesting that any person smoking in such area either refrain from smoking or leave the "No Smoking" area. If such person knowingly refuses to refrain from smoking or leave the area after being requested to do so by the person in charge of the area, such person commits criminal trespass and may be prosecuted under Tennessee Code Annotated, Section 39-14-405.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect July 1, 1 995, the public welfare requiring it.